

REMARKS

Claim 8 has been objected to for not being a complete sentence. Applicant apologizes for omitting a period at the end of claim 8. The claim has been amended to add the period. With the addition of the period, claim 8 is now a complete sentence.

The Examiner has rejected claims 1–36, 44 and 48–51 under 35 U.S.C. § 102 (b) as being anticipated by Hogan. This rejection is traversed.

Hogan is directed to a message delivery system in which a message sender can send a message to a storage system for later delivery to the recipient. The message sender inputs a time to the storage system telling the system when to deliver the message. As will be discussed in more detail below, Hogan specifically teaches that the time of message delivery is delivered to the system separate from the message. In the claimed invention, as will be discussed, the time is contained **within the message**. Thus, the claimed invention is a concept different from the Hogan reference as will be discussed in more detail.

The Examiner points to Hogan column 12, lines 19–26 to show that Hogan teaches the claim limitation, “a memory for receiving at least some of the messages containing within said message a controlled play time;”. The cited portion of Hogan says that the message delivery service controls the recording, storage and delivery of messages which can be recorded at the request of a user for delivery to another user. Hogan goes on to teach that a recorded message can be delivered at a later date and time. Hogan does not in any manner teach or even suggest that the time for delivery of the message is contained **within the message**, as recited in claim 1. As has been discussed in previous responses filed in this application, it is the fact that the controlled play time is contained in the message that is novel. Hogan is an example of prior art where the controlled play time is **external** to the message and received from the sender in a separate communication. Accordingly, since the Hogan reference does not teach all the elements of claim 1, that claim should be held allowable.

In addition, claim 1 goes on to recite that the message is **played**. Hogan does not discuss playing since Hogan is directed simply to **delivering** the message. For this additional reason, claim 1 should be held allowable, since, as the Examiner well knows, all of the elements of a claim must be found within a single reference in order for a 35 U.S.C. § 102(b) rejection to be proper.

With respect to claims 2 and 34 the Examiner points to Hogan column 13, lines 26–30 to show that the message is played at the controlled time. However, the cited lines of Hogan simply talk about delivery of the message and not about playing the message, as specifically claimed. Accordingly, claims 2 and 34 should be held allowable.

With respect to claim 3 the Examiner points to Hogan column 13, lines 6–16 to show that the message that is played is an audio message. Nothing in the cited portion of Hogan even suggests that the message is an audio message. Accordingly, claim 3 should be held allowable.

With respect to claim 4 the Examiner points to Hogan column 12, lines 27–32 to show that the message that is played is a video message. Nothing in the cited portion of Hogan even suggests that the message is a video message. Accordingly, claim 4 should be held allowable.

With respect to claim 5 the Examiner points to Hogan column 12, lines 27–32 to show that the message that is played is a combination of video and audio messages. Nothing in the cited portion of Hogan even suggests that the message is a video or an audio message, let alone a combination thereof. Accordingly, claim 5 should be held allowable.

With respect to claims 6 and 35 the Examiner simply says that the messages of Hogan contain call-back numbers. The Examiner has not cited any place in Hogan where such a recitation can be found. Hogan simply does not discuss anything being embedded in the messages and certainly does not discuss embedding call-back numbers. With respect to the other limitations of claims 6 and 35, the Examiner has pointed to portions of the Hogan reference that simply do not contain anything even remotely resembling the claim limitations.

Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 6 and 35 should be held allowable.

With respect to claims 7 and 20 the Examiner cites Hogan column 12, lines 27–32 to show that Hogan teaches that the controlled time can be a plurality of control times. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation in any manner. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 7 and 20 should be held allowable.

With respect to claims 8, 21, 33 and 48 the Examiner cites Hogan column 12, lines 27–32 to show that Hogan teaches that some messages can have controlled play times and some messages do not have controlled play times. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 8, 21, 33 and 48 should be held allowable.

With respect to claims 9, 24, 49 and 50 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on information available at the time the message is played. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 9, 24, 49 and 50 should be held allowable.

With respect to claims 10 and 22 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on information from the sender. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 10 and 22 should be held allowable.

With respect to claims 11, 23 and 31 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on information from local sensors. Applicant cannot address the Examiner’s rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 10 and 22 should be held allowable.

With respect to claims 12, and 30 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on information from local sensors selected from a list. Applicant cannot address the Examiner’s rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 12 and 30 should be held allowable.

With respect to claims 13 and 25 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that a particular message is played continuously for a period of time. Applicant cannot address the Examiner’s rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 13 and 25 should be held allowable.

With respect to claims 14 and 29 the Examiner cites Hogan column 12, lines 19–37 to show that Hogan teaches that the message are received in a broadcast mode at different memories, each memory associated with a different user. Applicant cannot address the Examiner’s rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 14 and 29 should be held allowable.

With respect to claims 15 and 26 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played can be played at an override time. Applicant cannot address the Examiner’s rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the

Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 15 and 26 should be held allowable.

With respect to claims 17 and 32 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message can be converted to particular formats controlled by the message. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 17 and 32 should be held allowable.

With respect to claims 18, 27 and 36 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message play time is dependant upon the message recipient and not on the message play time. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 18, 27 and 36 should be held allowable.

The Examiner rejected claim 19 by pointing to Hogan column 13, lines 7–17 to show that a connection is established with a memory device **associated with the receiving party**. However, in Hogan, the memory is either associated with the sender or neutral. In this context, neutral means that the memory is used by a number of sending users to hold messages for a number of receiving users. Such a memory can not in any manner be said to be associated with the recipient, as specifically claimed. Accordingly, claim 19 should be held allowable.

Claims 28 and 44 should be held allowable for the same reason as set forth above with respect to claim 1 since Hogan does not in any manner teach, suggest or even hint at the delivery of messages having **contained within the message** the time for delivery as specifically recited. Accordingly, claims 28 and 44 should be held allowable.

With respect to claims 10 and 22 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on

information from the sender. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 10 and 22 should be held allowable.

I. Conclusion

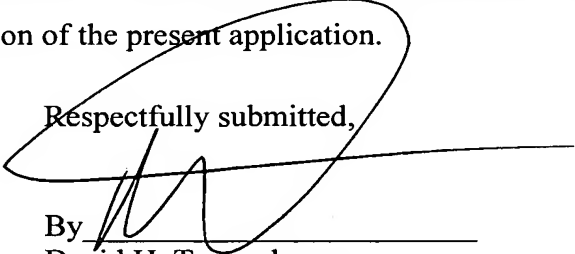
For all the reasons given above, Applicant submits that the pending claims distinguish over the prior art under 35 U.S.C. § 102(b) and meet the requirements of 35 U.S.C. § 112. Accordingly, Applicant submits that this application is in full condition for allowance.

Any fees due in the filing of this response are believed to be dealt with in the accompanying transmittal. However, if an additional fee is due, please charge Deposit Account No. 06-2380, under Order No. 05708/P010US/08008819 from which the undersigned is authorized to draw.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can be helpful in resolving any remaining issues or can otherwise be helpful in expediting prosecution of the present application.

Dated: March 21, 2006

Respectfully submitted,

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